



WISCONSIN LEGISLATURE

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February 3, 2016

Great Lakes-St. Lawrence River Water Resources Regional Body
Great Lakes-St. Lawrence River Basin Water Resources Council
20 N. Wacker Drive, Suite 2700
Chicago IL 60606

Dear Regional Body and Compact Council:

As elected officials representing areas affected by the City of Waukesha's application for Great Lakes water, we have a duty to help facilitate a successful *Application for a Lake Michigan Diversion with Return Flow* through the regional review process.

We strongly support the conclusion of the Wisconsin Department of Natural Resources' (DNR) extensive five-year review – that using and returning Lake Michigan water is the only reasonable alternative for Waukesha. This application needs to be thorough and technically sound to comply with the Great Lakes Compact and with the State of Wisconsin Compact implementation statute, and we are pleased the DNR has agreed it is.

Waukesha needs a safe and reliable water source because the local geology prevents precipitation from easily recharging the city's main water supply. In addition, the deep aquifer is heavily used by other communities in southeastern Wisconsin and northeastern Illinois. The aquifer is down by more than 400 feet, affecting surface waters features like wetlands, rivers and streams. As the aquifer has declined, natural contaminants like radium, a carcinogen, have increased in our water. Waukesha is now under a court order to provide water that will protect the health of our residents and meet the federal Safe Drinking Water Act radium standard.

The Waukesha application must be reviewed on its science and the law, not on politics or the agendas of some opponents. A careful review of Waukesha's comprehensive application and of the DNR's review will show that the proposal does not harm the Great Lakes, and that it provides environmental benefits to the Root River. Based on the substance of the application, it should not be controversial.

Concerns about this being a major precedent and the beginning of hundreds of diversions, including to Western states, would have been relevant before the existence of the Compact. However, the Compact dealt with those issues by banning water from being pumped to non-Great Lakes states. As you know, the Compact allows water for communities in straddling counties, like Waukesha, that have a demonstrated need. It also requires return flow to ensure no harm to the Lakes.

Wisconsin, on a bipartisan basis, agreed to the Compact because a new law was needed to protect the Great Lakes from the threats of real diversions – diversions without return flow. But the Compact also allows local needs in straddling counties – like those in Waukesha – to be addressed. The City of Waukesha

supported the Compact because the negotiators and other stakeholders all promised that decisions would, in fact, be objective and scientific.

The Compact would not have passed the state Legislature without the support of Waukesha and surrounding areas. The City of Waukesha and the State of Wisconsin are now relying on decisions being made in good faith and on an objective basis, using the Compact criteria.

Some opponents of the Waukesha application don't seem to understand that encouraging political decisions threatens the Compact itself – and threatens the Great Lakes – by rejecting the legal purpose of the Compact, to require the objective reviews that were not required under prior law. Waukesha's application under the Compact's terms is no threat to the agreement. Appeals by opponents that are based on politics threaten the legal basis of the law.

The City of Waukesha has applied under the Compact and meets its terms:

- It will return essentially 100% of the water to the Great Lakes after use and treatment.
- Waukesha's return flow is actually cleaner than the Root River for parameters such as phosphorus and total dissolved solids, so it will improve water quality.
- It does not have a reasonable water supply alternative. (The Compact does NOT say it must be a "last resort.") The review by the DNR shows that groundwater alternatives would damage the environment, even if Waukesha used less water than what the DNR said is a reasonable projection of demand.

A group of opponents has claimed that Waukesha has other alternatives. Their proposal ignores the requirement of state's planning law to match water supply service areas with historical sewer service areas (which helps meet the Compact requirement to minimize the return of out-of-Basin water and maximize the return of Basin water). However, the DNR did examine the proposed alternative.

The agency found that the proposal failed to provide sufficient water, even for the reduced amount of water the opponents said would be needed for a smaller service area. They ignored the need for additional shallow wells and the resulting impacts on nearby wetlands. They also ignored the fact that reverse osmosis treatment wastes water, requiring additional pumping from aquifers.

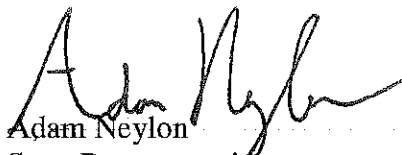
Unlike those opponents, the water utility, regional planners and the DNR – and especially our citizens – do not have the luxury of relying on wishful thinking to meet the local requirements for a healthy and sustainable water supply. They need a plan that has been thoroughly reviewed and properly vetted.

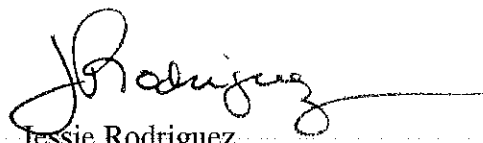
Waukesha's water supply problems have been studied by the utility for more than a decade. They were also studied by a 32-member panel of experts that reviewed water supply issues for the regional planning commission. And they were studied by the DNR during its five-year review of Waukesha's application. All those experts came to the same conclusion: that using and returning Lake Michigan water is Waukesha's only reasonable water supply alternative.

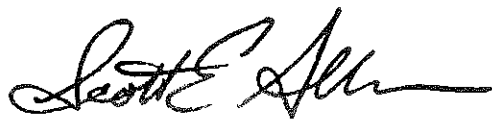
For the sake of our families and communities, we believe a review of the details of Waukesha's application will lead you to the same conclusion.


Thank you for your consideration and your implementation of the Compact review process.

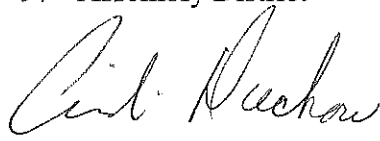
Sincerely,



Adam Neylon
State Representative
98th Assembly District


Jessie Rodriguez
State Representative
21st Assembly District



Scott Allen
State Representative
97th Assembly District



Ken Skowronski
State Representative
82nd Assembly District



Cindi Duchow
State Representative
99th Assembly District



Chris Kapenga
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33rd Senate District


Joel Kleefisch
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38th Assembly District


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